

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application o

Charles P. Tresser

Serial No.: 09/578,474

Group Art Unit: 3621

Filed: May 26, 2000

Examiner: Elisca, Pierre Eddy

For: METHOD AND APPARATUS FOR COMMERCE WITH FULL ANONYMITY

Honorable Assistant Commissioner of Patents
Washington, D.C. 20231

RESPONSE AND SUBMISSION
OF RULE 131 DECLARATION

Sir:

In response to the Office Action dated September 15, 2003, Applicant states the following:

REMARKS

Claims 1-46 are all the claims presently pending in the application.

Claims 1-5, 15 and 38-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Niwa (U.S. Patent No. 6,453, 301) in view of Asad et al (U.S. Patent No. 6,539,093). Claims 7, 8, 24, 41 and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Niwa and Henley (U.S. Pat. Pub. No. 2002/0065758 A1) in view of Asad et al.

Applicant respectfully submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

However, in order to expedite prosecution, Applicant submits herewith a Declaration under 37 C. F. R. § 1.131, which clearly demonstrates conception of the claimed subject matter of the present Application prior to February 23, 2000, the filing date of the Niwa patent (U. S. Pat. No. 6,453,301) on which the Examiner bases his rejection of the claims of the present Application, coupled with due diligence from just before February 23, 2000 to

May 26, 2000 (the filing date of the present Application).